

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

APPLE INC., et al.,  
Plaintiffs,  
v.  
ANDREI IANCU,  
Defendant.

Case No. [5:20-cv-06128-EJD](#)

**ORDER ON DEFENDANT'S MOTION  
FOR ADMINISTRATIVE RELIEF  
REQUESTING A STAY OF BRIEFING  
ON PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

Re: Dkt. No. 66

Defendant Andrei Iancu (“Defendant”), in his official capacity as Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (“USPTO”), has filed this motion for administrative relief pursuant to Civil Local Rule 7-11. Defendant is requesting that the Court stay briefing of Plaintiffs’ Motion for Summary Judgment, Dkt. No. 65, pending resolution of Defendant’s Motion to Dismiss, Dkt. No. 64.

Having considered Defendant’s administrative motion and Plaintiff’s opposition, Dkt. No. 69, the Court finds that the jurisdictional and substantive issues presented respectively in Defendant’s Motion to Dismiss and Plaintiffs’ Motion for Summary Judgment are intertwined. Because a Court may address jurisdictional and substantive issues concurrently if they are intertwined, the Court DENIES Defendants request to stay briefing on Plaintiffs’ Motion for Summary Judgment. *See Flores v. Barr*, 977 F.3d 742, 746 (9th Cir. 2020) (citing *Augustine v. United States*, 704 F. 2d 1074, 1077 (9th Cir. 1983)).

Instead, the Court will adjust the briefing schedule related to both Defendant’s Motion to Dismiss and Plaintiffs’ Motion for Summary Judgment. Accordingly, IT IS HEREBY

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**ORDER ON DEFENDANT’S MOTION FOR ADMINISTRATIVE RELIEF REQUESTING A  
STAY OF BRIEFING ON PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT**

1 ORDERED THAT:

- 2 1. Plaintiffs' shall file an opposition to Defendant's Motion to Dismiss no later than January  
3 21, 2021. Defendant shall file an opposition to Plaintiffs' Motion for Summary Judgment  
4 no later than January 21, 2021.
- 5 2. Defendant shall file any reply in support of the Motion to Dismiss no later than February 4,  
6 2021. Plaintiffs shall file any reply in support of the Motion for Summary Judgment no  
7 later than February 4, 2021.
- 8 3. A hearing on both the Motion to Dismiss and Motion for Summary Judgment remains  
9 scheduled for March 11, 2021.

10 **IT IS SO ORDERED.**

11 Dated: December 2, 2020



EDWARD J. DAVILA  
United States District Judge

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